

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|------------------------------|---|------------------------|
| FRANCIS TIMOTHY PLAZA, | : | |
| Petitioner, | : | 1:20-cv-1480 |
| | : | |
| v. | : | Hon. John E. Jones III |
| | : | |
| BARRY SMITH, <i>et al.</i> , | : | |
| Respondents. | : | |

ORDER

January 4, 2021

NOW THEREFORE, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254, and the memorandum of law in support (Doc. 5), and upon further consideration of Respondents' motion (Doc. 7) to dismiss the petition as untimely, and in accordance with the Court's memorandum of the same date, it is hereby ORDERED that:

1. Respondents' motion (Doc. 7) is GRANTED.
2. The petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254 is DISMISSED as time-barred by the statute of limitations. *See* 28 U.S.C. § 2244(d).
3. There is no basis for the issuance of a certificate of appealability. *See* 28 U.S.C. § 2253(c).
4. The Clerk of Court is directed to CLOSE this case.

s/ John E. Jones III
John E. Jones III, Chief Judge
United States District Court
Middle District of Pennsylvania